SINGLE BENCH

C.S 5001 - (4)

(1)

IN THE HIGH COURT OF JUDICATURE, AT BILASPUR (C.G.)

W.P.(S) NO. 6721 /2006

PETITIONERS:

1. Smt. Lata Porte Wife of Shri Ganesh Ram Porte, aged about 42 years, Occupation- Asst. Teacher, Govt. Primary School Parsahinala, Block Akaltara Distt. Janjgir-champa (C.G.)

P.R. No. 6624/06
Presented by: A.K. Dewangan
dated 22-11-06

2. Smt. Sonkunwar Markam Wife of Shri Shiv Kumar Markam, aged about 34 years, Occupation- Asst. Teacher, Govt. Primary School Parsahinala, Block Akaltara Distt. Janjgir-champa (C.G.)

3. Smt. Glorlya Tirky Wife of Shri A.Tirky, aged about 43 years, Occupation- Asst. Teacher, Govt. Primary School Taroud, Block Akaltara Distt. Janjgir-champa (C.G.)

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4. Smt. Maheshwari Kurre Wife of Shri B.L.Kurre, aged about 46 years, Occupation- Asst. Teacher, Govt. Primary School Murlidih, Block Akaltara Distt. Janjgir-champa (C.G.)

5. Kailash Ram Markam Son of Shri Savat Ram , aged about 37 years, Occupation- Asst. Teacher, Govt. Primary School Gadhola, Block Akaltara Distt. Janjgir-champa (C.G.)

VERSUS

(5) (2)

RESPONDENTS

1. State of Chhattisgarh, through the Secretary Government of Chhattisgarh Department of Education, D.K.S. Bhawan Mantralaya, Raipur (C.G.).

2. Director Public Instruction, Raipur (C.G.)

3. District Education Officer, Distt.-Janjgir Champa (C.G.)

4. Block Education Officer, Akaltara, Distt.- Janjgir Champa (C.G.)

WRIT PETITION UNDER ARTICLE 226 /2[redacted] OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS / ORDERS AND DIRECTIONS AS DEEMED FIT.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(70)

मामला क्रमांक WP.6721/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

07.12.2006

Shri Ajay Dwivedi, learned counsel for the petitioners.
Shri Vinay Pandey, learned P.L. for the State/respondent.

By this petition under Articles 226/227 of the Constitution of India, the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No 2745/1989 (Madhukant Yadu and 56 others Vs. State of M.P. and others) dated 24.8.1992

2. Learned counsel appearing for the petitioners placed reliance on the order dated 9th October 2006 passed by this Court in Writ Petition (S) No. 5473/2006 (Rakesh Kumar Sharma and another Vs. State of Chhattisgarh and others) and in Writ Petition (S) No. 5474/2006 (Jai Nath Bajpai Vs. State of Chhattisgarh and others) and submits that the petitioners are similarly situated, therefore, the similar order may be passed.

3. The case of the petitioners is that they were appointed as Assistant Teacher in the School Education Department on probation for a period of two years with the fixed salary. However, later on, after completion of two years' probation, the petitioners was regularized but, they were not given the regular pay scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal vide order dated 24.8.1992 allowed the same. The petitioners made several representations to accord the same treatment as they are

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(71)

मामला क्रमांक .W.P..6.7.21.1.06.. **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	also similarly situated, but, the respondents have not paid any heed. Thus, this petition. 4. Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioners and same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 24.8.1992, to which learned counsel for the respondent/State has no objection. 5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to make a representation within a period of two weeks from today to respondent No.1, raising all his grievances and, in turn, respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioners and taking into account the order dated 24.8.1992 passed by the learned State Administrative Tribunal in Original Application No. 2745/1989. 6. The writ petition is accordingly disposed of with the aforesaid direction. No order as to costs. 7. Certified copy as per rules.	**Sd/-** **Dhirendra Mishra** **Judge**